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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 BOARD OF TRUSTEES OF THE
9 CEMENT MASONS & PLASTERERS
10 HEALTH & WELFARE TRUST, *et al.*,

11 Plaintiffs,

12 v.

13 PLASTER NORTHWEST LLC, *et al.*

14 Defendants.

Case No. C16-1918 RSM

ORDER DENYING PLAINTIFFS'
MOTION TO COMPEL DISCOVERY

THIS MATTER comes before the Court on Plaintiffs' Motion to Compel Discovery. Dkt. #7. Plaintiff apparently served Plaster Northwest with a Request for Production on January 12, 2017, via legal messenger. Dkt. #8 at ¶ 2, Ex. A. Plaster Northwest has not responded to the Requests for Production, and therefore Plaintiffs seeks an Order compelling responses. *See id.* at ¶ 4.

The Court DENIES this motion for several reasons. First, Defendants have not appeared in this action, and therefore, there is no party yet to compel. Second, and more importantly, Federal Rule of Civil Procedure 26(d)(1) precludes discovery before the parties have conferred as required by Rule 26(f). It appears that Plaintiffs have prematurely served discovery on Defendants, and they do not indicate otherwise. *See* Dkt. #8. Finally, this Court's Local Civil Rule 37(a)(1) requires that any motion for an Order compelling discovery must include a certification that the movant has in good faith conferred or attempted to confer with

1 the person failing to provide discovery in an effort to resolve the dispute without Court
2 intervention. While Plaintiffs have provided emails they sent to Plaster Northwest requesting
3 certain documents and threatening litigation if it failed to provide them, those emails are dated
4 months prior to filing the instant motion, and do not reflect any effort to conference regarding
5 the instant motion. For all of these reasons, the Court DENIES Plaintiffs' motion to compel
6 (Dkt. #7).

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8 DATED this 13th day of April 2017.

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12 RICARDO S. MARTINEZ
13 UNITED STATES DISTRICT JUDGE
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